

**ASSEMBLY BILL**

**No. 1599**

**Introduced by Assembly Member Harman**

February 21, 2003

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An act to amend Section 14581 of the Public Resources Code, relating to the California Beverage Container Recycling and Litter Reduction Act.

LEGISLATIVE COUNSEL'S DIGEST

AB 1599, as introduced, Harman. California Beverage Container Recycling and Litter Reduction Act.

Under the existing California Beverage Container Recycling and Litter Reduction Act, the Department of Conservation, subject to the availability of funds, is required to spend specified money in the California Beverage Container Recycling Fund for various purposes related to beverage container litter reduction and recycling.

This bill would make a technical, nonsubstantive change to the provisions relating to funding.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 14581 of the Public Resources Code is  
2 amended to read:  
3 14581. (a) Subject to the availability of funds, and pursuant  
4 to subdivision (c), the department shall expend the money set aside  
5 in the fund, pursuant to subdivision (c) of Section 14580 for the  
6 purposes of this section:

1 (1) Twenty-three million five hundred thousand dollars  
2 (\$23,500,000) shall be expended annually for the payment of  
3 handling fees required pursuant to Section 14585.

4 (2) Fifteen million dollars (\$15,000,000) shall be expended  
5 annually for payments for curbside programs and neighborhood  
6 drop off programs pursuant to Section 14549.6.

7 (3) (A) Fifteen million dollars (\$15,000,000), plus the  
8 proportional share of the cost-of-living adjustment, as provided in  
9 subdivision (b), shall be expended annually in the form of grants  
10 for beverage container litter reduction programs and recycling  
11 programs issued to either of the following:

12 (i) Certified community conservation corps that were in  
13 existence on September 30, 1999, or that are formed subsequent  
14 to that date, that are designated by a city or a city and county to  
15 perform litter abatement, recycling, and related activities, if the  
16 city or the city and county has a population, as determined by the  
17 most recent census, of more than 250,000 persons.

18 (ii) Community conservation corps that are designated by a  
19 county to perform litter abatement, recycling, and related  
20 activities, and are certified by the California Conservation Corps  
21 as having operated for a minimum of two years and as meeting all  
22 other criteria of Section 14507.5.

23 (B) Any grants provided pursuant to this paragraph shall not  
24 comprise more than 75 percent of the annual budget of a  
25 community conservation corps.

26 (4) (A) Ten million five hundred thousand dollars  
27 (\$10,500,000) may be expended annually for payments of five  
28 thousand dollars (\$5,000) to cities and ten thousand dollars  
29 (\$10,000) for payments to counties for beverage container  
30 recycling and litter cleanup activities, or the department may  
31 calculate the payments to counties and cities on a per capita basis,  
32 and may pay whichever amount is greater, for those activities.

33 (B) Eligible activities for the use of these funds may include,  
34 but are not necessarily limited to, support for new or existing  
35 curbside recycling programs, neighborhood drop off recycling  
36 programs, public education promoting beverage container  
37 recycling, litter prevention, and cleanup, cooperative regional  
38 efforts among two or more cities or counties, or both, or other  
39 beverage container recycling programs.

1 (C) These funds may not be used for activities unrelated to  
2 beverage container recycling or litter reduction.

3 (D) To receive these funds, a city, county, or city and county  
4 shall fill out and return a funding request form to the Department  
5 of Conservation. The form shall specify the beverage container  
6 recycling or litter reduction activities for which the funds will be  
7 used.

8 (E) The Department of Conservation shall annually prepare  
9 and distribute a funding request form to each city, county, or city  
10 and county. The form shall specify the amount of beverage  
11 container recycling and litter cleanup funds for which the  
12 jurisdiction is eligible. The form shall not exceed one double-sided  
13 page in length, and may be submitted electronically. If a city,  
14 county, or city and county does not return the funding request form  
15 within 90 days of receipt of the form from the department, the city,  
16 county, or city and county is not eligible to receive the funds for  
17 that funding cycle.

18 (F) For the purposes of this paragraph, per capita population  
19 shall be based on the population of the incorporated area of a city  
20 or city and county and the unincorporated area of a county. The  
21 department may withhold payment to any city, county, or city and  
22 county that has prohibited the siting of a supermarket site, caused  
23 a supermarket site to close its business, or adopted a land use policy  
24 that restricts or prohibits the siting of a supermarket site within its  
25 jurisdiction.

26 (5) (A) Five hundred thousand dollars (\$500,000) may be  
27 expended annually in the form of grants for beverage container  
28 recycling and litter reduction programs.

29 (B) Up to a total of six million eight hundred forty thousand  
30 dollars (\$6,840,000) shall be paid to the City of San Diego,  
31 between January 1, 2000, and January 1, 2004, for a curbside  
32 recycling program conducted pursuant to Section 14549.7.

33 (6) (A) The department shall expend the amount necessary to  
34 pay the processing payment established pursuant to subdivision  
35 (b) of Section 14575. The department shall establish separate  
36 processing fee accounts in the fund for each beverage container  
37 material type for which a processing payment and processing fee  
38 is calculated pursuant to Section 14575, into which account shall  
39 be deposited both of the following:

1 (i) All amounts paid as processing fees for each beverage  
2 container material type pursuant to subdivision (g) of Section  
3 14575.

4 (ii) Funds equal to pay 75 percent of the processing payments  
5 established in subdivision (b) of Section 14575, in order to reduce  
6 the processing fee to the level provided in subdivision (f) of  
7 Section 14575.

8 (B) Notwithstanding Section 13340 of the Government Code,  
9 the money in each processing fee account is hereby continuously  
10 appropriated to the department for expenditure without regard to  
11 fiscal years, for purposes of making processing payments, and  
12 reducing processing fees, pursuant to Section 14575.

13 (7) (A) Up to ten million dollars (\$10,000,000) shall be  
14 expended by the department between January 1, 2000, and January  
15 1, 2002, for the purposes of undertaking a statewide public  
16 education and information campaign aimed at promoting  
17 increased recycling of beverage containers.

18 (B) On or before July 1, 2002, the department shall provide a  
19 report to the Legislature on the impact of the statewide public  
20 education and information campaign and make recommendations  
21 for any future campaigns.

22 (8) Up to three million dollars (\$3,000,000) shall be expended  
23 annually for the payment of quality glass incentive payments  
24 pursuant to Section 14549.1.

25 (9) (A) Three hundred thousand dollars (\$300,000) shall be  
26 expended annually by the department, until January 1, 2003,  
27 pursuant to a cooperative agreement entered into between the  
28 department and Keep California Beautiful, a nonprofit 501(c)(3)  
29 organization chartered by the State of California in 1990, for the  
30 purpose of conducting statewide public education campaigns  
31 aimed at preventing and cleaning up beverage containers and  
32 related litter. The campaigns shall include, but not be limited to,  
33 coordination of Keep California Beautiful month.

34 (B) Prior to making an expenditure pursuant to this paragraph,  
35 the department shall enter into a cooperative agreement with Keep  
36 California Beautiful.

37 (C) As part of the cooperative agreement, Keep California  
38 Beautiful shall provide the department with an annual campaign  
39 plan and budget, and a report of previous year campaign activities.



1 ~~(D) On or before July 1, 2002, the department shall make a~~  
2 ~~recommendation to the Legislature on future funding for beverage~~  
3 ~~container litter prevention and cleanup activities by Keep~~  
4 ~~California Beautiful.~~

5 (b) The fifteen million dollars (\$15,000,000) that is set aside  
6 pursuant to paragraph (3) of subdivision (a) is a base amount that  
7 the department shall adjust annually to reflect any increases or  
8 decreases in the cost of living, as measured by the Department of  
9 Labor, or a successor agency, of the federal government.

10 (c) (1) The department shall review all funds on a quarterly  
11 basis to ensure that there are adequate funds to make the payments  
12 specified in this section and the processing fee reductions required  
13 pursuant to Section 14575.

14 (2) If the department determines, pursuant to a review made  
15 pursuant to paragraph (1), that there may be inadequate funds to  
16 pay the payments required by this section and the processing fee  
17 reductions required pursuant to Section 14575, the department  
18 shall immediately notify the appropriate policy and fiscal  
19 committees of the Legislature regarding the inadequacy.

20 (3) On or before 180 days after the notice is sent pursuant to  
21 paragraph (2), the department may reduce or eliminate  
22 expenditures, or both, from the funds as necessary, according to  
23 the procedure set forth in subdivision (d).

24 (d) If the department determines that there are insufficient  
25 funds to make the payments specified pursuant to this section and  
26 Section 14575, the department shall reduce all payments  
27 proportionally.

28 (e) Prior to making an expenditure pursuant to paragraph (7) of  
29 subdivision (a), the department shall convene an advisory  
30 committee consisting of representatives of the beverage industry,  
31 beverage container manufacturers, environmental organizations,  
32 the recycling industry, nonprofit organizations, and retailers, to  
33 advise the department on the most cost-effective and efficient  
34 method of the expenditure of the funds for that education and  
35 information campaign.